

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

KYLE BENGSTON,)	
)	
Plaintiff,)	
)	
V.)	3:06-cv-00569-MEF
)	
DAVID BAZEMORE, O.D. et al.,)	
)	
Defendants.)	

**MOTION FOR PERMISSION TO REPLY TO PLAINTIFF’S RESPONSES
TO DEFENDANTS’ MOTIONS TO STRIKE THE AFFIDAVITS
OF DRS. LANDGRAF, ALABATA, AND SEPANSKI**

COME NOW David Bazemore, O.D., and Wal-Mart Stores, Inc. (hereinafter referred to collectively as the “Defendants”), by and through their undersigned attorneys, and respectfully move this Honorable Court to allow them permission to file the attached reply to the Plaintiff’s responses to their motions to strike the affidavits of Drs. Landgraf, Alabata, and Sepanski.

RESPECTFULLY SUBMITTED this the 14th day of September, 2007.

ADAMS, UMBACH, DAVIDSON & WHITE, LLP

/s/ Matthew W. White

PHILLIP E. ADAMS, JR. (ADA025)

MATTHEW W. WHITE (WHI086)

BLAKE L. OLIVER (OLI020)

Attorney for Defendants

P.O. Box 2069

Opelika, Alabama 36803-2069

(334) 745-6466

CERTIFICATE OF SERVICE

I hereby certify that I have on this the 14th day of September, 2007 served a true and correct copy of the above and foregoing Motion for Summary Judgment on the following attorneys of record by United States mail, postage prepaid, at their respective addresses by:

_____ Facsimile transmission;

_____ Hand delivery;

 X Placing a copy of same in the United States Mail, properly addressed and first class postage prepaid to:

**Mr. David Adams, Esq.
The Newman Law Firm
Park Plaza
178 South Main Street, Ste. 150
Alpharetta, GA 30004**

**Mr. James Boyd Douglas, Jr., Esq.
McNeal & Douglas, LLC
PO Box 1423
Auburn, AL 36830**

ADAMS, UMBACH, DAVIDSON & WHITE

 /s/ Matthew W. White
Of Counsel